

1 EDMUND G. BROWN JR.
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 CAROL ROMEO
Deputy Attorney General
4 State Bar No. 124910
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2141
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 **In the Matter of the Accusation Against:**

Case No. *2011-514*

12 EDRIE L. SCHADE
EDRIE LORAIN SCHADE
5825 Racine Street
13 Oakland, CA 94609

ACCUSATION

14 Registered Nurse No. 556570

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about July 9, 1999, the Board of Registered Nursing issued Registered Nurse
23 Number 556570 to Edrie L. Schade, also known as Edrie Loraine Schade (Respondent). The
24 Registered Nurse was in full force and effect at all times relevant to the charges brought in the
25 Accusation and will expire on October 31, 2012, unless renewed.

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"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof."

9. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

10. California Code of Regulations, title 16, section 1444 states, in pertinent part:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare." Such convictions or acts shall include but not be limited to the following:

COST RECOVERY

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 FIRST CAUSE FOR DISCIPLINARY ACTION

2 (Unprofessional Conduct)
(Bus. & Prof. Code §2761(a))

3 12. Respondent has subjected her Registered Nurse License to disciplinary action for
4 unprofessional conduct under Code section 2761, subdivision (a). The circumstances are as
5 follows:

6 a. On or about July 12, 2010, in Fremont, California, Respondent was pulled over by a
7 California Highway Patrol (CHP) officer after the CHP officer observed Respondent driving her
8 vehicle northbound on I-880, at a high rate of speed in excess of 75 miles per hour. The CHP
9 officer pulled Respondent over, approached her car and detected the strong alcohol odor coming
10 from inside her vehicle. The CHP officer observed that Respondent had red and watery eyes.
11 Respondent told the CHP officer that she had "just one drink of Vodka." Respondent complied
12 with the CHP officer's command that she exit her vehicle. As Respondent exited her vehicle, she
13 had to place her hand on her vehicle to maintain her balance. The CHP officer asked Respondent
14 a series of Pre-Field Sobriety Test Questions and detected the strong alcohol odor emitting from
15 her breath. Respondent poorly performed the pre-explained Field Sobriety Tests (FST's).
16 Respondent agreed to a take preliminary alcohol screening (P.A.S.), which showed that her blood
17 alcohol content (BAC) was .246% and .248%, respectively. Based on the CHP officer's
18 observations of Respondent's driving, her objective signs and symptoms of intoxication and her
19 poor performance of the FSTs, Respondent was arrested for driving while under the influence of
20 alcohol, and driving under the influence with a BAC of .08% or more.

21 SECOND CAUSE FOR DISCIPLINARY ACTION

22 (Conviction)
(Bus. & Prof. Code §§ 490 and 2761(f))

23 13. Respondent has subjected his Registered Nurse License to disciplinary action under
24 Code sections 490 and 2761, subdivision (f), and California Code of Regulations, title 16, section
25 1444 in that she was convicted of a crime substantially related to the qualifications, functions, or
26 duties of a registered nurse. Specifically, on or about August 19, 2010, in the Superior Court of
27 California, County of Alameda, Case Number 238698, entitled *The People of the State of*
28 *California v. Edrie Loraine Schade*, Respondent was convicted by her plea of no contest of

1 violating Vehicle Code section 23152, subdivision (b), (driving with a blood alcohol content of
2 .08% or more), a misdemeanor. Respondent was placed on probation for three years upon terms
3 and conditions, which included, but were not limited to, serving two days in county jail with
4 credit of 1 day for time served, attending DUI School, and paying a fine of \$1,810.00.

5 THIRD CAUSE FOR DISCIPLINARY ACTION

6 (Conviction of Crime Involving Alcohol)

7 (Bus. & Prof. Code § 2762(c))

8 14. The allegations of paragraphs 12 and 13 are realleged and incorporated by reference
9 as if fully set forth.

10 15. Respondent has subjected her registered nurse license to disciplinary action under
11 Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code
12 section 2762, subdivision (c). Specifically, on or about August 19, 2010, Respondent was
13 convicted of a crime involving the consumption of alcoholic beverages, as set forth in paragraphs
14 12 and 13, above.

15 FOURTH CAUSE FOR DISCIPLINARY ACTION

16 (Use of Alcohol to a Dangerous Extent)

17 (Bus. & Prof. Code § 2762(b))

18 16. The allegations of paragraph 12 are realleged and incorporated by reference as if fully
19 set forth.

20 17. Respondent has subjected her registered nurse license to disciplinary action under
21 Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code
22 section 2762, subdivision (b). Specifically, on or about July 12, 2010, Respondent used, and was
23 under the influence of, alcoholic beverages to an extent dangerous or injurious to herself and the
24 public, as set forth in paragraph 12, above.

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1 PRAYER


2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse Number 556570, issued to Edrie L.
5 Schade, also known as Edrie Loraine Schade (Respondent);

6 2. Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of
7 the investigation and enforcement of this case, pursuant to Business and Professions Code section
8 125.3; and

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: 12/10/10


11 LOUISE R. BAILEY, M.ED., RN
12 ~~Interim~~ Executive Officer
13 Board of Registered Nursing
14 Department of Consumer Affairs
15 State of California
16 Complainant

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